

# House File 2551 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 702)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act providing requirements for a nonresident of this state  
2 engaged in the aerial application of pesticides, making  
3 penalties applicable, and providing an effective date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 6073HV 82  
6 da/rj/14

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1 1 Section 1. Section 206.6, subsection 1, unnumbered  
1 2 paragraph 2, Code 2007, is amended by striking the paragraph.  
1 3 Sec. 2. Section 206.6, subsection 5, Code 2007, is amended  
1 4 to read as follows:  
1 5 5. ISSUE COMMERCIAL APPLICATOR LICENSE. ~~If the~~  
1 6 ~~a. The secretary finds the shall approve an application~~  
1 7 ~~and issue a commercial applicator license to the applicant as~~  
1 8 ~~follows:~~

1 9 ~~(1) The applicant is qualified as found by the secretary~~  
1 10 ~~to apply pesticides in the classifications for which the~~  
1 11 ~~applicant has applied and if the.~~

1 12 ~~(2) The applicant files the bonds or insurance must~~  
1 13 ~~furnish to the department evidence of financial responsibility~~  
1 14 ~~as required under section 206.13, and if the.~~

1 15 ~~(3) An applicant applying for a license to engage in~~  
1 16 ~~aerial application of pesticides has met must meet all of the~~  
1 17 ~~requirements of the federal aviation administration, the~~  
1 18 ~~United States department of transportation, and any other~~  
1 19 ~~applicable federal or state laws or regulations to operate the~~  
1 20 ~~equipment described in the application, the. The secretary~~  
1 21 ~~shall adopt by rule, additional requirements for issuing a~~  
1 22 ~~license to a person who is a nonresident of this state engaged~~  
1 23 ~~in the aerial application of pesticides, which may include but~~  
1 24 ~~is not limited to conditions for the operation of the aircraft~~  
1 25 ~~and the application of the pesticides under the supervision of~~  
1 26 ~~a person who is a resident of this state and licensed as a~~  
1 27 ~~commercial applicator under this section or as a pesticide~~  
1 28 ~~dealer under section 206.8. The secretary shall not adopt~~  
1 29 ~~rules concerning the operation of aircraft when not engaged in~~  
1 30 ~~the commercial application of pesticides or concerning an~~  
1 31 ~~aircraft's operation on the grounds of an airport.~~

1 32 ~~b. The secretary shall issue a commercial applicator~~  
1 33 ~~license limited to the classifications for which the applicant~~  
1 34 ~~is qualified, which shall expire at the end of the calendar~~  
1 35 ~~year of issue unless it has been revoked or suspended prior~~  
2 1 ~~thereto by the secretary for cause. The secretary may limit~~  
2 2 ~~the license of the applicant to the use of certain pesticides,~~  
2 3 ~~or to certain areas, or to certain types of equipment if the~~  
2 4 ~~applicant is only so qualified. If a license is not issued as~~  
2 5 ~~applied for, the secretary shall inform the applicant in~~  
2 6 ~~writing of the reasons.~~

2 7 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
2 8 immediate importance, takes effect upon enactment.

### EXPLANATION

2 10 This bill amends Code section 206.6 which in part requires  
2 11 a person who is in the business of applying pesticides to be  
2 12 issued a commercial applicator license by the department of  
2 13 agriculture and land stewardship, and includes requirements  
2 14 for nonresident aerial applicators.

2 15 The bill eliminates special requirements for a person  
2 16 licensed as an aerial commercial applicator in another state  
2 17 who applies pesticides in this state, including being under

2 18 the direct supervision of an aerial commercial applicator  
2 19 licensed in this state. The resident aerial commercial  
2 20 licensee is subject to several requirements: (1) being  
2 21 jointly liable with the nonresident aerial commercial  
2 22 applicator, and (2) immediately notifying the department of  
2 23 the commencement and termination of the nonresident's service.  
2 24 The bill amends Code section 206.6(5) which regulates all  
2 25 commercial applicators, including pesticide aerial  
2 26 applicators. The bill provides that the department must adopt  
2 27 additional requirements for issuing a license to a person who  
2 28 is a nonresident of this state engaged in the aerial  
2 29 application of pesticides. The additional requirements may  
2 30 include conditions for the operation of the aircraft and the  
2 31 application of the pesticides under the supervision of a  
2 32 person who is a resident of this state and licensed as a  
2 33 commercial applicator or as a pesticide dealer (see Code  
2 34 section 206.8). The bill provides that the department's  
2 35 authority does not include adopting rules concerning the  
3 1 operations of aircraft when not engaged in the commercial  
3 2 application of pesticides or its operation on the grounds of  
3 3 an airport.  
3 4 Generally, a person who violates a provision of Code  
3 5 section 206.6 is guilty of a serious misdemeanor (see Code  
3 6 section 206.22). A serious misdemeanor is punishable by  
3 7 confinement for no more than one year and a fine of at least  
3 8 \$315 but not more than \$1,875. A person may also be subject  
3 9 to a civil penalty as determined by the department of up to  
3 10 \$500 (see Code section 206.19).  
3 11 The bill takes effect upon enactment.  
3 12 LSB 6073HV 82  
3 13 da/rj/14